

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:)	CASE NO: 13-35654-H1
)	
)	Houston, Texas
KHAWAJA PARTNERS, LTD. AND)	
JETALL COMPANIES, INC.,)	Thursday, January 2, 2014
)	(9:01 a.m. to 9:05 a.m.)
<u>Debtors.</u>)	
 KHAWAJA PARTNERS, LTD.,)	
)	
Plaintiff,)	
)	CASE NO: 13-03252-H1-ADV
vs.)	
)	
JETALL COMPANIES, INC.,)	
)	
<u>Defendant.</u>)	

HEARING

BEFORE THE HONORABLE MARVIN ISGUR,
UNITED STATES BANKRUPTCY JUDGE

Appearances:	See Next Page
Court Reporter:	Recorded; FTR
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Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

APPEARANCES FOR:

Debtor: MARC DOUGLAS MYERS, ESQ.
Adair and Myers, P.L.L.C.
3120 Southwest Freeway
Suite 320
Houston, TX 77098

Jetall Companies, Inc.: JOSEPH D. SIBLEY, IV, ESQ.
Ahmad, Zavitsanos, et al.
4400 Post Oak Parkway
Suite 2700
Houston, TX 77027

1 Houston, Texas; Thursday, January 2, 2014; 9:01 a.m.

2 | **(Call to Order)**

4 | **THE COURT:** Please be seated.

5 Alright, good morning. The first cases that we're
6 going to call are the *Khawaja Partners versus Jetall*, 13-3252,
7 and the Khawaja Partners main case, which is 13-35654.

8 | MR. MYERS: Good morning, your Honor.

9 | THE COURT: Good morning.

10 MR. MYERS: Marc Myers on behalf of the debtor.

11 | THE COURT: Alright. Do we have --

12 **MR. SIBLEY:** Good morning, your Honor, Joe Sibley on
13 behalf of Jetall.

14 **THE COURT:** So we have a problem. I need to know if
15 Serena Yu -- I have a next-door neighbor for over ten years
16 named Serena Yu. We share, literally, a property line, so this
17 isn't just somebody in the neighborhood, and I would recuse in
18 the case if this is the same Serena Yu. I'm sorry to bring
19 you-all down here, but I don't even know if it is the same
20 Serena Yu.

21 Do you happen to know?

22 MR. SIBLEY: Yu is a common surname among --

23 THE COURT: Right.

24 **MR. SIBLEY:** -- Chinese people. I just don't know,
25 your Honor. I haven't --

1 **THE COURT:** Do you know whether the family is
2 involved in some McDonald's franchises?

3 **MR. SIBLEY:** Your Honor, I don't know.

4 **THE COURT:** I need to figure this out so that I know
5 whether to recuse. And I'm sorry to have you-all down here,
6 but I don't want to recuse when I'm not supposed to and I do
7 want to recuse if I am supposed to. And I just don't think
8 that people would feel right if it turns out that this was,
9 again, not just a casual neighbor but my next-door neighbor.

10 **MR. SIBLEY:** Your Honor, just so I could perhaps
11 assist with this, do you happen -- could you --

12 **THE COURT:** She would have lived at 8 Bradfield
13 Court.

14 **MR. SIBLEY:** Eight Bradfield Court.

15 **THE COURT:** Yeah. And will know my name. And if she
16 was involved in McDonald's franchises, it's the same Serena Yu,
17 and if she wasn't, it's not.

18 **MR. SIBLEY:** And if it turns out that that's the
19 case, your Honor, how would you --

20 **THE COURT:** Can you just file a notice that says
21 you've made an inquiry and that this is the Serena Yu that was
22 discussed at the hearing, at which point I'll promptly recuse?
23 And I'll recuse out of both the main case and this.

24 **MR. SIBLEY:** I can certainly do that, your Honor.

25 **THE COURT:** I don't think it is. I was unaware of

1 this until you-all filed the amended lawsuit, so I think any
2 prior actions I've taken in the case, recusal would not have
3 been appropriate then. So I don't think this is going to go
4 back and affect anything historic. But my guess is Serena is
5 not a very common name.

6 **MR. SIBLEY:** Serena as a first name, that's probably
7 correct, with that surname.

8 **THE COURT:** So I'm sorry to impose on you-all for
9 that, but can I get you to just check on that and file a notice
10 and then if I recuse, obviously we'll do nothing. If we don't,
11 then I'll bring you-all back down and I'll issue a scheduling
12 order.

13 **MR. SIBLEY:** Certainly could do that, your Honor.

14 I do have one question --

15 **THE COURT:** Sure.

16 **MR. SIBLEY:** -- about the Court's prior actions. The
17 last time we were here, the Court, I don't know if 'rules' is
18 the correct word, but the Court indicated that it would treat
19 the property transaction as a deeded conveyance, subject of
20 course to the debtor's claims for fraudulent conveyance, et
21 cetera. I was wondering if the Court could, or wanted, to
22 issue some sort of order on that or how the Court --

23 **THE COURT:** I actually don't want to do anything at
24 this point if I'm supposed to recuse. And there'll be a
25 transcript of that hearing, or a tape of the hearing, which you

1 can order. And if the next Judge -- If I don't recuse, this is
2 going to be easy. If I do recuse, the next Judge may deal with
3 that however the next Judge wants to deal with that.

4 **MR. SIBLEY:** I understand.

5 **THE COURT:** And I won't direct which Judge it goes
6 to. If I recuse, it'll just go back into the random draw and
7 it'll be one of the other four Houston judges.

8 Sorry to inconvenience you-all here on the first day
9 of the year.

10 **MR. SIBLEY:** That's alright. I'll get on that
11 immediately, your Honor, and let the Court and counsel know as
12 soon as possible.

13 **THE COURT:** Thank you. When you file that notice,
14 would you just -- it won't be something we would normally be
15 searching for. Would you just pick up the phone and call Mr.
16 Rios and let him know it's filed, and I'll pull it and then
17 I'll get the order entered right away?

18 **MR. SIBLEY:** Of course, your Honor. Thank you, your
19 Honor.

20 **THE COURT:** Sorry. Okay, thank you. You-all have a
21 good new year.

22 **MR. SIBLEY:** May I be excused?

23 **THE COURT:** Yes, thank you.

24 **(This proceeding was adjourned at 9:05 a.m.)**

25

CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

A handwritten signature in black ink, appearing to read "Toni I. Hudson".

January 6, 2014

TONI HUDSON, TRANSCRIBER